

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DIGIPROTECT USA CORP.,

*Plaintiff,*

v.

DOES 1 – 266,

*Defendants.*

No. 10-cv-008759-TPG-MHD

FILED  
U.S. DISTRICT COURT  
2011 JAN 13 AM 11:26  
S.D. OF N.Y.

NOTICE OF MOTION OF COMCAST COMMUNICATIONS MANAGEMENT, LLC.  
FOR THE ADMISSION OF JOHN D. SEIVER *PRO HAC VICE*

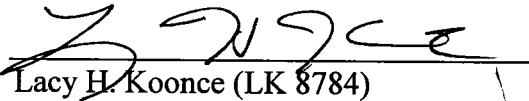
PLEASE TAKE NOTICE that on a date and time to be set by this Court, Third Party Comcast Communications Management, LLC.. will apply to the Honorable Thomas P. Griesa, U.S. District Court Judge, at the United States District Court for the Southern District of New York, for an order granting leave for John D. Seiver to appear as its counsel in the above-captioned action.

PLEASE TAKE FURTHER NOTICE that, in support of its motion, Comcast relies on the Affidavit of Lacy H. Koonce and Affidavit of John D. Seiver, which are submitted herewith, but that no brief is submitted because this motion is addressed to the discretion of the Court pursuant to Local Rule 1.3(c).

PLEASE TAKE FURTHER NOTICE that a proposed form of order granting the requested relief is submitted herewith.

Dated: New York, New York  
January 11, 2011

DAVIS WRIGHT TREMAINE LLP

By:   
Lacy H. Koonce (LK 8784)

1633 Broadway  
New York, New York 10019  
Telephone: (212) 489-8230  
Fax: (212) 489-8340

*Attorneys for Third Party Comcast  
Communications Management, LLC.*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DIGIPROTECT USA CORP.,

*Plaintiff,*

v.

DOES 1 – 266,

*Defendants.*

No. 10-cv-008759-TPG-MHD

**AFFIDAVIT OF LACY H.  
KOONCE, III IN SUPPORT OF  
MOTION TO ADMIT COUNSEL  
PRO HAC VICE**

STATE OF NEW YORK                    )  
  ) SS.:  
COUNTY OF NEW YORK                )

LACY H. KOONCE, III, being duly sworn, deposes and says:

1. I am a partner with the law firm of Davis Wright Tremaine, LLP, counsel to Third Party Comcast Communications Management, LLC. I have been a member in good standing of the Bar of the State of New York since 1998, and was admitted to practice before this Court on January 1, 1999.

2. My firm has been retained by Comcast Communications Management, LLC. to act as its counsel, along with Mr. John D. Seiver of Davis Wright Tremaine's Washington D.C. office who has advised and represented Comcast Communications Management, LLC. for many years on numerous matters and is familiar with the facts and circumstances of this particular case.

3. Mr. Seiver is of sufficiently good character and competence to warrant admission

to appear in this Court. As set forth in his accompanying affidavit, Mr. Seiver has been a member in good standing of the Bar of the District of Columbia since 1979. There are no pending disciplinary proceedings against him in any State or Federal court.

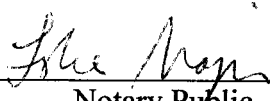
4. In view of Mr. Seiver's qualifications and expertise, I believe that his admission to this Court *pro hac vice* would promote the just, speedy, efficient and fair determination of this action.

5. I believe no brief is necessary because this application is addressed to the discretion of the Court pursuant to Local Rule 1.3(c) and raises no issues of law.

I affirm under penalty of perjury that the foregoing is true and correct. Executed this 11<sup>th</sup> day of January, 2011.

  
\_\_\_\_\_  
LACY H. KOONCE, III

Subscribed and sworn to before me  
this 11<sup>th</sup> day of January, 2011

  
\_\_\_\_\_  
Notary Public

LESLIE MAJER  
Notary Public, State of New York  
No. 4797970  
Qualified in Kings County  
Commission Expires October 31, 2013

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DIGIPROTECT USA CORP.,

*Plaintiff,*

v.

DOES 1 – 266,

*Defendants.*

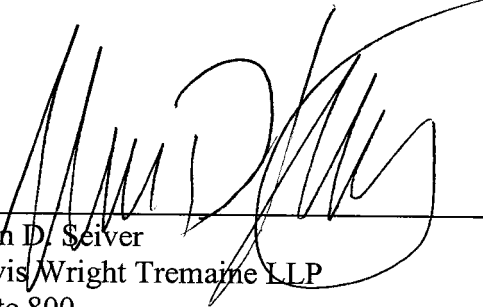
No. 10-cv-008759-TPG-MHD

**AFFIDAVIT OF JOHN D. SEIVER IN  
SUPPORT OF MOTION TO ADMIT  
COUNSEL *PRO HAC VICE***

STATE OF NEW YORK                     )  
  ) SS.:  
COUNTY OF NEW YORK                )


JOHN D. SEIVER, being duly sworn, deposes and says:

1. I am of counsel with the law firm of Davis Wright Tremaine LLP.
2. I submit this affidavit in support of my motion for admission to practice *pro hac vice* in the above captioned matter.
3. As shown in the Certificate of Good Standing annexed hereto, I am a member in good standing of the Bar of the District of Columbia.
4. Wherefore your affiant respectfully submits that he be permitted to appear as counsel for Third Party Comcast Communications Management, LLC. and advocate *pro hac vice* in this one case.



John D. Seiver  
Davis/Wright Tremaine LLP  
Suite 800  
1919 Pennsylvania Avenue NW  
Washington D.C. 20006-3401  
johnseiver@dwt.com  
(202) 973-4200

Sworn to before me on  
this 10<sup>th</sup> day of January 2011:



Notary Public

**Nichele Y. Rice**  
Notary Public, District of Columbia  
My Commission Expires 6/30/2015



District of Columbia Court of Appeals  
Committee on Admissions  
430 E Street, N.W. — Room 123  
Washington, D. C. 20001  
202 / 879-2710

I, JULIO A. CASTILLO, Clerk of the District of Columbia  
Court of Appeals, do hereby certify that

JOHN D. SEIVER

---

was on the 17<sup>TH</sup> day of DECEMBER, 1979

duly qualified and admitted as an attorney and counselor and  
entitled to practice before this Court and is, on the date indicated  
below, an active member in good standing of this Bar.

In Testimony Whereof, I have  
hereunto subscribed my name  
and affixed the seal of this  
Court at the City of  
Washington, D.C., on January  
10, 2011.

JULIO A. CASTILLO  
Clerk of the Court

By: 

Deputy Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
DIGIPROTECT USA CORP.,

No. 10-cv-008759-TPG-MHD

Plaintiff(s),

-against-

DOES 1-266,

**AFFIDAVIT OF SERVICE**  
**BY MAIL**

Defendant(s).  
-----X

STATE OF NEW YORK )

s.s. :

COUNTY OF NEW YORK )

CONNIE ASARO, being duly sworn, deposes and says that she is employed by KEATING & WALKER ATTORNEY SERVICE, INC., is over the age of eighteen years and is not a party to the action.


That on the 12th day of January, 2011, deponent served a true copy of the **NOTICE OF MOTION OF COMCAST COMMUNICATIONS MANAGEMENT, LLC. FOR THE ADMISSION OJ JOHN D. SEIVER PRO HAC VICE; AFFIDAVIT OF LACY H. KOONCE, III IN SUPPORT OF MOTION; AFFIDAVIT OF JOHN D. SEIVER IN SUPPORT OF MOTION and [PROPOSED] ORDER** by placing the same in a securely sealed and postage paid wrapper, and mailing same via regular first class mail by depositing same within the state of New York, in an official depository maintained by the government of the United States, City and State of New York, to the following addresses:

**John Britton Payne, Esq.**  
**Foley & Lardner, LLP**  
**90 Park Avenue**  
**New York, New York 10016**

**Jonathan E. Moskin, Esq.**  
**Foley & Lardner, LLP**  
**90 Park Avenue**  
**New York, New York 10016**

Sworn to before me this  
12th day of January, 2011

  
CONNIE ASARO

  
**MICHAEL J. KEATING**  
**NOTARY PUBLIC, STATE OF NEW YORK**  
**Reg. No. 01-KE-4851559**  
**Qualified in New York County**  
**Commission expires February 3, 2014**



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DIGIPROTECT USA CORP.,

*Plaintiff,*

v.

DOES 1 – 266,

*Defendants.*

No. 10-cv-008759-TPG-MHD

**ORDER**

The motion for admission to practice *pro hac vice* in the above captioned matter is granted. The admitted attorney, John D. Seiver, is permitted to argue or try this particular case in whole or in part as counsel for Third PartyComcast Communications, LLC.

An attorney admitted to practice *pro hac vice* is required to pay a \$25.00 attorney admission fee and present this Order to the intake deputy clerk in the Clerk's Office. When paying by mail, return a copy of this Order to the Clerk's Office with the required fee.

This Order confirms your appearance as Defendant's counsel in this case, and it will be entered on this Court's docket. A notation of your admission *pro hac vice* for the above listed case will be made on the roll of attorneys.

The attorneys admitted *pro hac vice* must serve a copy of this Order on all other counsel in this case.

Dated: New York, New York  
\_\_\_\_\_, 2011

SO ORDERED:

\_\_\_\_\_  
United States District Judge